

Effective Means of Propulsion for Safe Navigation
Consent Agenda Item 1
October 2, 2019

PROPOSED NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 45 No. 171, the September 3, 2019 issue of the Florida Administrative Register.

(1) No change.

(2) Evaluation procedures.

(a) Once a law enforcement officer has reason to believe a vessel does not have an effective means of propulsion for safe navigation, the officer shall notify the owner by telephone, or in writing, which may be by email. The officer shall provide a location and a date and time, no less than 72 hours later, when the owner or operator of the vessel shall meet the officer to either provide proof of having ordered the necessary parts for repair or to conduct an evaluation of the vessel as provided herein. Proof of having ordered parts for repair may be provided to the officer before the date and time of the scheduled evaluation. No person shall be required to complete an evaluation under paragraph (b) when such person has been notified by a law enforcement officer that the vessel does not have an effective means of propulsion for safe navigation and has, within 72 hours of such notification, provided to the officer a receipt, proof of purchase, or other documentation of having ordered necessary parts for repairs to the vessel's propulsion or steering. When an owner or operator provides proof of having ordered the necessary parts for repair, he or she shall complete all necessary repairs to make the vessel's propulsion or steering functional within 30 days or shall remove the vessel from the waters of the state.

(b) Law enforcement shall use the following evaluations to determine whether a vessel has an effective means of propulsion for safe navigation as required by subparagraph 327.4107(2)(e), Florida Statutes:

1. For sailboats greater than 16 feet in length, the operator shall be required to:
 - a. navigate the vessel to the anchor and either pull anchor or detach the anchor line from the vessel and place a buoy on the anchor line so that the anchor may be reattached after the evaluation is complete;
 - b. make way using only wind power and the steering mechanism with which the vessel is equipped;
 - c. navigate at least 100 yards in any direction of the operator's choosing using only wind power and the steering mechanism with which the vessel is equipped;
 - d. come about using only wind power and the steering mechanism with which the vessel is equipped;
 - e. return to the starting point using only wind power and the steering mechanism with which the vessel is equipped; and
 - f. complete all evaluation maneuvers in subparagraphs b. through e. within fifteen minutes.
 - g. The evaluating law enforcement officer shall keep time and shall begin timekeeping only after the operator has navigated to the anchor and pulled anchor or detached the anchor line from the vessel, as provided in subparagraph a.
2. For vessels, other than sailboats, greater than 16 feet in length, the operator shall be required to:

- a. engage the propulsion system or systems and either pull anchor or detach the anchor line from the vessel and place a buoy on the anchor line so that the anchor may be reattached after the evaluation is complete;
 - b. make way;
 - c. navigate to a location one quarter of a mile away (which location has been predetermined and marked or identified by the evaluating law enforcement officer);
 - d. steer around a test buoy or other fixed point or turn around adjacent to the buoy or fixed point;
 - e. return to the starting point; and
 - f. complete all evaluation maneuvers in subparagraphs b. through e. within ten minutes, unless the vessel's propulsion is solely human-powered, in which case the operator shall complete all evaluation maneuvers in subparagraphs b. through e. within 15 minutes.
 - g. The evaluating law enforcement officer shall keep time and shall begin timekeeping only after the operator has engaged the propulsion system and pulled anchor or detached the anchor line from the vessel, as provided in subparagraph a.
- (c) Law enforcement officers shall not require completion of either of the evaluations in this subsection during small craft advisory conditions and shall not require completion of a sailboat evaluation when the prevailing wind conditions are less than 5 knots.
- (d) Law enforcement officers shall place buoys or choose fixed locations for all evaluations such that the path navigated by the operator is unimpeded by any known or visible object or obstacle.
- (e) Operators who choose to detach the anchor line from the vessel shall remove the buoy and reattach the anchor line to the vessel after completing the evaluation.
- (3) No change.

These changes are being implemented following public hearing at the Fish and Wildlife Conservation Commission's regular meeting on October 2, 2019.